

and Parks as we bring in under the General Fund under this. A couple of years ago we walked away from here and we appropriated \$60,000 for maintenance of 92 areas. I think that is a pretty good record for the Legislature to stand on. They're not going to improve on that record. This body is not going to approve \$3.8 million because it's going to go for their own pet projects in their own districts. This amendment will not provide any additional money for the Game and Parks Commission. It would only go into the General Fund. We'll be creating a tax for General Fund and getting much less out of it for the Game and Parks Commission. I would hope that the body would vote down this amendment.

PRESIDENT: Senator Nichol.

SENATOR NICHOL: Mr. President, members of the Legislature. I have never been one to earmark funds from a certain product or service to be spent on something particular. In this case I can't quite comprehend yet what pop has to do with wildlife, or sporting anymore than any other item such as beer, food or automobiles or gasoline, almost anything. But I would think that this would be a good proposal that Senator Marsh has put the money where it belongs, deal it out as you want to from there. Thank you.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, Senator Reutzel and Senator Simon, I think the Legislature can be trusted to do the right thing once this tax is raised and placed in the General Fund. The Legislature can be trusted to do the right thing with this money toward the Game and Parks Commission, just as it can be trusted to do the right thing as far as rebating the proper amount on the food tax credit. So since a procedure has been established that the majority of the members seem to think it is fair with reference to taxing food, then this fits right in the same category even more definitely. Food was not to be taxed in the first place. In this instance a tax apparently is considered acceptable by the members. Since the tax is considered to be acceptable, let it go into the General Fund just as a tax on food goes into the General Fund, then let the money be paid out. Although there will have to be the necessity under this provision where we're dealing with Games and Parks for an appropriation. So what I think Senator Reutzel and those who feel that the Game and Parks Commission is entitled to more money to upgrade the parks and recreational facilities in the state, they should offer a bill stating what they believe ought to be done, then attach an A bill requiring appropriation. Then we can find out exactly where everybody is. I don't see anything wrong, regardless of what else is done, with Senator Marsh's amendment. I see a great deal wrong with the bill. But if something is to be done to try to make it less objectionable, her amendment will do that.

PRESIDENT: Senator Barnett.

SENATOR BARNETT: Mr. President, members of the Legislature. I've got a law question from somebody in here that is an attorney. If anybody wants to help answer this question, and I think that Senator Reutzel should either look into this or pay attention to this because I think it might directly deal with this amendment. If you turn to page 772 and 773 in the Journal the Attorney General has ruled on somewhat of the same practice that you're trying to do in this bill on LB 204 which